

Message Text

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PAGE 01 MEXICO 05181 01 OF 02 202053Z

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ACTION ARA-20

INFO OCT-01 EUR-25 ISO-00 SS-20 SAM-01 SP-03 PRS-01 INR-10

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC IMMEDIATE 2287

INFO AMEMBASSY OTTAWA

LIMITED OFFICIAL USE SECTION 1 OF 2 MEXICO 5181

E.O. 11652: N/A

TAGS: PBOR, MX, CA

SUBJ: ILLEGAL IMMIGRANTS: FOREIGN SECRETARY'S NOTE ON
BRACEROS - ENCLOSURE, MEXICAN-CANADIAN AGREEMENT.

REF: MEXICO 5172 (NOTAL)

1. AS AN ENCLOSURE TO THE NOTE REPORTED IN REFTEL, THE FOREIGN SECRETARY HAS SENT EMBASSY A COPY OF THE RECENT AGREEMENT BETWEEN MEXICO AND CANADA ON MIGRATORY WORKERS. THE COPY OF AGREEMENT SENT TO EMBASSY IS, STRANGELY ENOUGH, A PRELIMINARY DOCUMENT, WITH ONE SECTION WHICH WAS DELETED IN FINAL AGREEMENT.

2. TEXT, IN INFORMAL TRANSLATION, OF DOCUMENT SENT TO EMBASSY FOLLOWS:

MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF MEXICO AND THE GOVERNMENT OF CANADA RELATIVE TO THE ADMISSION IN CANADA OF MEXICAN MIGRATORY AGRICULTURAL WORKERS.

THE GOVERNMENT OF THE UNITED MEXICAN STATES AND THE GOVERNMENT OF CANADA, RECOGNIZING THE STRONG BONDS OF FRIENDSHIP, UNDERSTANDING AND COOPERATION WHICH EXIST BETWEEN THEM;
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PAGE 02 MEXICO 05181 01 OF 02 202053Z

DESIRING TO ASSURE THAT MEXICAN MIGRATORY WORKERS, WHO MAY HAVE BEEN GRANTED TEMPORARY ADMISSION TO CANADA, WITH THE INTENT THAT THEY BE (GIVEN) TEMPORARY CONTRACTS IN THE AGRICULTURAL SECTOR, SHOULD RECEIVE ADEQUATE LODGING AND REMUNERATION, AS WELL AS JUST AND EQUITABLE TREATMENT DURING THE PERIOD IN WHICH THEY PROVIDE THEIR SERVICES;

ATTRIBUTING SPECIAL IMPORTANCE TO THE NEED TO CONTROL ILLEGAL ENTRY INTO CANADA;

HAVE AGREED TO CARRY OUT A PROGRAM INTENDED TO CONTROL THE MIGRATORY MOVEMENT OF MEXICAN AGRICULTURAL WORKERS, BASED UPON THE GENERAL PRINCIPLES DELINEATED IN THIS MEMORANDUM OF UNDERSTANDING, WITHOUT PREJUDICE TO THE SPECIFIC ARRANGEMENTS WHICH MAY BE AGREED UPON IN THE FUTURE.

1. THE GOVERNMENT OF CANADA, THROUGH THE SECRETARIAT OF HUMAN RESOURCES AND IMMIGRATION, WILL ESTABLISH DIRECTIVES IN ACCORDANCE WITH CANADIAN LAWS CONCERNING IMMIGRATION, LIMITING THE ADMISSION TO CANADA OF MEXICAN NATIONALS OVER 18 YEARS OF AGE WHO SEEK TO ENTER THE COUNTRY FOR THE PURPOSE OF CONTRACTING TEMPORARY WORK IN THE AGRICULTURAL SECTOR AND WHO ARE PARTIES TO A WORK CONTRACT SUCH AS THAT ANNEXED. ONLY THOSE MEXICAN NATIONALS SELECTED BY THE GOVERNMENT OF MEXICO WILL BE CONSIDERED FOR ADMISSION TO CANADA UNDER THE PROGRAM ESTABLISHED BY THIS ARRANGEMENT.

2. WITH THE PURPOSE OF DETERMINING WHAT CONTINGENTS OF MEXICAN WORKERS WILL BE ADMITTED TO CANADA IN OBSERVANCE OF ITS DIRECTIVES, THE GOVERNMENT (OF CANADA) WILL FOLLOW THIS PROCEDURE:

A) IT WILL NOTIFY THE MEXICAN GOVERNMENT, THROUGH THE CANADIAN EMBASSY IN MEXICO, AT LEAST 45 DAYS BEFORE THE DATE ON WHICH THE AGRICULTURAL WORKERS SHOULD BE IN CANADA, THE TOTAL NUMBER WHICH IT IS ESTIMATED WILL BE NEEDED IN THE CURRENT CALENDAR YEAR, TAKING INTO ACCOUNT THAT THE CALCULATIONS MAY BE REVISED IN ACCORDANCE WITH THE NEEDS FOR AGRICULTURAL MANPOWER, COMMUNICATING SUCH REVISION TO THE GOVERNMENT OF MEXICO AT LEAST 15 DAYS BEFORE THE DATE OF LIMITED OFFICIAL USE

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PAGE 03 MEXICO 05181 01 OF 02 202053Z

DEPARTURE OF THE WORKERS TO CANADA, WITH THE UNDERSTANDING THAT THE REDUCTION IN THE NUMBER OF WORKERS WILL IN NO CASE EXCEED 20 PERCENT AND

B) AT LEAST 15 DAYS BEFORE THE AGRICULTURAL WORKERS WHO ARE GOING TO BE TEMPORARILY CONTRACTED IN CANADA ARE NEEDED, THE GOVERNMENT (OF CANADA) WILL NOTIFY THE MEXICAN GOVERNMENT THE EXACT NUMBER OF WORKERS NEEDED AND

THE DATE ON WHICH THEY SHOULD BE IN CANADA.

3. UPON RECEIPT OF INFORMATION RELATIVE TO THE NUMBER OF AGRICULTURAL WORKERS WHICH ARE TEMPORARILY NEEDED IN CANADA, THE MEXICAN GOVERNMENT WILL CONVOKE AND SELECT THE WORKERS ASPIRING TO BE CONTRACTED FOR TEMPORARY AGRICULTURAL WORK IN CANADA AND WILL NOTIFY THE CANADIAN GOVERNMENT, THROUGH ITS EMBASSY IN MEXICO, OF THE NUMBER OF WORKERS WHICH IT WILL SEND, THEIR NAMES AND THE DATES OF THEIR ARRIVAL IN CANADA.

4. THE GOVERNMENT OF MEXICO WILL INSURE THAT ONLY PERSONS WHO ARE BONA FIDE AGRICULTURAL WORKERS WILL BE SELECTED TO PARTICIPATE IN THIS PROGRAM. MOREOVER, THE GOVERNMENT OF MEXICO WILL PROVIDE TO THE WORKERS SELECTED AN IDENTIFICATION DOCUMENT WHICH WILL CONTAIN:

- A) THE PHYSICAL DESCRIPTION OF THE WORKER;
- B) A RECENT PHOTOGRAPH;
- C) SIGNATURE AND RIGHT THUMB PRINT.

TO THE IDENTIFICATION DOCUMENT WILL BE ATTACHED A MEDICAL CERTIFICATE CONFIRMING THAT THE WORKER SUFFERS FROM NO INFECTIOUS OR TRANSMITTABLE DISEASE.

5. THE AGRICULTURAL WORKERS REGISTERED AND SELECTED BY THE GOVERNMENT OF MEXICO WILL BE PARTIES TO WORK CONTRACTS SUCH AS THAT ANNEXED AND THEY WILL NOT BE GRANTED ADMISSION TO CANADA UNLESS IN SOME OTHER FORM THEY COMPLY WITH CANADIAN IMMIGRATION LAWS.

6. THE GOVERNMENT OF CANADA WILL MAINTAIN RECEPTION FACILITIES FOR THE MEXICAN WORKERS IN THE TORONTO INTER-LIMITED OFFICIAL USE

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PAGE 04 MEXICO 05181 01 OF 02 202053Z

NATIONAL AIRPORT OR IN OTHER AIRPORTS WHICH CANADA MAY DESIGNATE. ALL MEXICAN NATIONALS WHO ENTER CANADA UNDER THE PROGRAM ESTABLISHED BY THIS ARRANGEMENT WILL ENTER AND EXIT CANADA BY AIR. THE AIR TRANSPORTATION, BOTH WAYS, OF THE AGRICULTURAL WORKERS WILL PREFERABLY BE BY MEXICAN AIRLINES. ARRANGEMENTS FOR THE TRAVEL OF SUCH WORKERS WILL BE MADE BY AN AGENT OF THE CANADIAN EMPLOYERS, TAKING INTO CONSIDERATION, SO FAR AS POSSIBLE, THE WISHES OF THE MEXICAN GOVERNMENT.

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PAGE 01 MEXICO 05181 02 OF 02 202128Z

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INFO OCT-01 EUR-25 ISO-00 SS-20 SAM-01 SP-03 PRS-01 INR-10

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LIMITED OFFICIAL USE SECTION 2 OF 2 MEXICO 5181

7. THE MEXICAN GOVERNMENT WILL APPOINT A QUALIFIED PERSON TO ACT AS AGENT IN CANADA FOR THE PURPOSE OF CARRYING OUT THE OBLIGATIONS ASSIGNED TO HIM IN THE ANNEXED WORK CONTRACT. THIS AGENT WILL COMPLY IN A REASONABLE WAY WITH THE OBLIGATIONS ASSIGNED HIM IN THAT CONTRACT.

(NOTE: FOLLOWING PARAGRAPH 8 HAS BEEN CROSSED OUT IN COPY OF THE AGREEMENT SENT TO EMBASSY AND WAS, WE UNDERSTAND, DELETED IN FINAL AGREEMENT.)

8. THE GOVERNMENT OF CANADA, FOR ITS PART, WILL APPOINT A QUALIFIED PERSON TO ACT AS ITS AGENT IN MEXICO FOR THE PURPOSE, IN COLLABORATION WITH COMPETENT AUTHORITIES OF THE GOVERNMENT OF MEXICO, OF BEING PRESENT AT THE SELECTION OF MEXICAN WORKERS ASPIRING TO GO TO WORK IN CANADA.

9. WHATEVER DISPUTES MAY ARISE IN CARRYING OUT THIS ARRANGEMENT WILL BE RESOLVED THROUGH CONSULTATION BETWEEN THE GOVERNMENT OF MEXICO AND CANADA. FURTHERMORE, THE GOVERNMENT OF MEXICO AND CANADA WILL CONSULT WITH RESPECT TO ANY CONTROVERSY WHICH MAY ARISE CONCERNING THE FUNCTIONS OF THE AGENT OF MEXICAN GOVERNMENT IN ACCORDANCE WITH THE ANNEXED WORK CONTRACT.

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PAGE 02 MEXICO 05181 02 OF 02 202128Z

10. THIS MEMORANDUM OF UNDERSTANDING MAY BE AMENDED AT ANY TIME UPON THE WRITTEN APPROVAL OF BOTH GOVERNMENTS. THE TERMS OF THE ANNEXED WORK CONTRACT ALSO MAY BE AMENDED THROUGH THE WRITTEN APPROVAL OF BOTH GOVERNMENTS.

11. THIS MEMORANDUM OF UNDERSTANDING WILL ENTER INTO EFFECT ON THE DATE OF ITS SIGNATURE AND WILL BE IN EFFECT FOR AN INITIAL PERIOD OF THREE YEARS AND WILL SUBSEQUENTLY CONTINUE IN EFFECT AUTOMATICALLY UNLESS TERMINATED BY EITHER GOVERNMENT THROUGH WRITTEN NOTIFICATION TO BE COMMUNICATED TO THE OTHER SIX MONTHS IN ADVANCE.

12. THIS MEMORANDUM OF UNDERSTANDING IS AN INTER-GOVERNMENTAL EXECUTIVE AGREEMENT AND THEREFORE DOES NOT CONSTITUTE AN INTERNATIONAL TREATY.

DONE IN TWO COPIES...

3. A COPY OF THE MODEL WORK CONTRACT IS BEING FORWARDED VIA POUCH TO ARA/MEX.
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